

much to our community and our state.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 1, 1998, the federal debt stood at \$5,559,258,503,320.20 (Five trillion, five hundred fifty-nine billion, two hundred fifty-eight million, five hundred three thousand, three hundred twenty dollars and twenty cents).

Five years ago, September 1, 1993, the federal debt stood at \$4,398,851,000,000 (Four trillion, three hundred ninety-eight billion, eight hundred fifty-one million).

Ten years ago, September 1, 1988, the federal debt stood at \$2,603,539,000,000 (Two trillion, six hundred three billion, five hundred thirty-nine million).

Fifteen years ago, September 1, 1983, the federal debt stood at \$1,362,606,000,000 (One trillion, three hundred sixty-two billion, six hundred six million) which reflects a debt increase of more than \$4 trillion—\$4,196,652,503,320.20 (Four trillion, one hundred ninety-six billion, six hundred fifty-two million, five hundred three thousand, three hundred twenty dollars and twenty cents) during the past 15 years.●

EXPLANATION OF MISSED VOTE

Mr. BROWNBACK. Mr. President, this afternoon I was not present for a vote to table the McCain Amendment No. 3500. Had I been present, I would have voted against the tabling motion. I was absent because I was presenting, posthumously, Mother Theresa's Congressional Gold Medal, which is just now available. The replicas are available from the U.S. Mint. It was a tremendous tribute to a wonderful lady, Mother Theresa, who passed away a year ago September 5, as we remembered her today. My vote would not have changed the outcome of the vote on this motion.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Reserving the right to object, I am trying to get another appropriations bill up, so I would like to not have the floor get under the control of some other problem here.

I do not object.

TRIBUTE TO STROM THURMOND

Mr. DODD. Mr. President, I wish to join my colleagues today in commending our dear friend from South Carolina for achieving the significant

mark of having voted on 15,000 occasions as a Member of the Senate. He has been a wonderful friend to me; he was a great friend of my father's, who served with him in this body. I know there have been many kind things said about him today. I just want to add my voice to those accolades. What a great joy it is to serve with this remarkable American. I did not want the day to end without offering my words of congratulations to this fine young man from South Carolina.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I ask unanimous consent I may proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. The Senate is already in morning business, with the 10 minute limitation. The Senator is recognized.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that a Member of my staff, Hilary Hoffman, be granted floor privileges for the rest of the day's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT OF U.S. RATIFICATION OF THE U.N. CONVENTION TO COMBAT DESERTIFICATION

Mr. JEFFORDS. Mr. President, I would like to direct my colleagues' attention to report language accompanying this legislation supporting U.S. ratification of an important treaty—the U.N. Convention to Combat Desertification, also known as the "Drylands" Convention.

The term desertification is often misassociated with the expansion of deserts. Rather, it is the loss of soil fertility in dryland agricultural areas. Most of the world's basic food crops are grown in dryland areas. Poverty, population pressure and unwise government policies often drive farmers to use unsustainable farming practices on marginal lands just to survive. Over time, desertification deepens poverty. It undercuts economic growth and triggers social instability in poor countries lacking resources to combat it.

The American Dust Bowl of the 1930's is a prime example of desertification. The hunger, poverty and migration spawned by the Dust Bowl left an indelible mark on our national psyche. In 1939, John Steinbeck depicted the tragedy so well in his great American novel, *The Grapes of Wrath*:

And then the dispossessed were drawn west—from Kansas, Oklahoma, Texas, New Mexico; from Nevada and Arkansas, families, tribes, dusted out, tracted out. Car-loads, caravans, homeless and hungry; twenty thousand and fifty thousand and a hundred thousand and two hundred thousand. They streamed over the mountains, hungry and restless—restless as ants, scurrying to find

work to do—to lift to push, to pull, to pick, to cut—anything, any burden to bear, for food. The kids are hungry. We got no place to live. Like ants scurrying for work, for food, and most of all for land.

Every student of U.S. history studies the economic and social impact of the Dust Bowl. U.S. history textbooks feature photos similar to these behind me.

Our national response to this disaster was a successful community-based soil and water conservation effort that is still fighting the threat of desertification in areas of the American West today. While we have grappled with this problem and won, the rest of the world is not so fortunate. Imagine our own Dust Bowl if we did not have the technological know-how or the economic resources to deal with it?

The risk of new dust bowls is increasing at an accelerating rate in over ninety developing countries in Africa, Asia, and Latin America. Billions of tons of topsoil are washed or blown away every year.

The U.S. is feeling the fallout from desertification abroad. Thousands migrate over our borders from land-degraded countries such as Mexico. We spend millions on humanitarian aid for drought-affected countries in Africa. Desertification leads to even more costly and frequent food aid programs. Dwindling land and water resources frequently ignite regional conflict. Desertification abroad will also continue to pose risks to our environmental health and contribute to the loss of plant and animal species which may hold the keys to future sources of food and medicine.

To address the problem, in 1994, the United States participated in negotiating the Drylands Convention. By the time negotiations began, developed nations were weary of carrying huge loads in support of environmental treaties. U.S. negotiators insisted that no new responsibilities be placed on our government. The result is that this treaty is the first of its kind.

It does not establish a big, new U.N. program. No army of U.N. employees will be deployed to fight desertification. The treaty uses a bottom-up approach where the solutions are devised and then carried out by people at the local community level. National action plans required of all donee states by the treaty will add greater cohesion and coordination to existing efforts.

The treaty's financial mechanism is unique as well. No new U.S. foreign aid funding is required under the Convention. The U.S. currently contributes roughly \$30 million per year to fight desertification. So why do we need the treaty? Because it gives U.S. foreign aid dollars "more bang for the buck." Existing U.S. foreign aid resources would be used more efficiently by better matching of donors with areas of need through the establishment of a Global Mechanism. It does NOT impose any international mandates on U.S. funding.

But more importantly, the Convention would be good for U.S. business. It would increase opportunities for American agribusiness to export technology and expertise to developing countries affected by desertification through networks established by the treaty. Clearly, there is no bar to marketing these outside the framework of the Convention. But working within the Convention offers distinct advantages. It establishes networks like the Science and Technology Committee, the Roster of Independent Experts, donor coordination groups and partnerships with local community organizations. If the U.S. is not a party to the Convention, U.S. businesses and consultants will be barred from these lists.

Helping to fight desertification and poverty abroad is good for U.S. exports and the U.S. trade balance. Rising incomes in the agricultural sector of developing countries generate a higher demand for U.S. exports of seeds, fertilizer, agro-chemicals, farm and irrigation equipment as well as other U.S.-produced goods and services.

The United States signed the Drylands Convention in 1994. It has been approved by all the Organization of Economic Cooperation and Development (OECD) members except the U.S. and Japan. And Japan is expected to ratify it soon. If the U.S. does not ratify by November 1998, we will not have a voice in establishing the detailed mechanism that is at the heart of the Convention. If we want this treaty to work for us, then we must have a seat at the table in two months.

Ratification of the U.N. Convention to Combat Desertification is a win-win for the United States. We must not let this opportunity slip away from us.

The PRESIDING OFFICER. The Senator from Pennsylvania.

INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the statements made earlier today by Senator HATCH and Senator LEAHY relating to an independent counsel because there is a specific course of action which can be taken to break the impasse, in my legal judgment, and that is with an action for mandamus in the United States District Court for the District of Columbia to compel Attorney General Reno to appoint an independent counsel.

There is no doubt about the serious allegations and scandals in campaign financing. The Governmental Affairs Committee on which I serve conducted extensive hearings last year which showed beyond any doubt irregularities of a most important sort, and some even involving contributions coming from foreign sources traceable to the Government of China. In the face of this overwhelming evidence, the Attorney General has declined to appoint an independent counsel.

The remedy is present for a mandamus action, which would be directed

on two legal lines. One is where Attorney General Reno has failed to carry out a mandatory duty, where the independent counsel statute says that she shall act on covered persons, and an alternative legal approach where there is an abuse of a discretionary duty where there is a conflict of interest, and there is both an actual and an apparent conflict of interest. Importantly, Attorney General Reno, when questioned during her confirmation hearing, was a great advocate of an independent counsel on precisely the kind of circumstances which are presented here.

The mandamus action was pursued on three individual occasions, and the United States District Court for the District of Columbia did order mandamus. All three of those cases were reversed for reasons which are not applicable here, where there was lack of standing which was delineated in extensive discussions in the court of appeals on two of those cases. But those three cases by district court judges did confirm the legal approach which I am advocating here today, and which is encompassed in an extensive lawsuit, which has been prepared against Attorney General Reno, calling for a mandamus action.

In two of the cases they were reversed because of lack of standing, and that is a legal issue which poses a hurdle which I believe can be overcome by action by a majority of the majority of the Judiciary Committee of either the House of Representatives or the U.S. Senate. The independent counsel statute gives a majority of the majority of each Judiciary Committee unique positioning to have the requisite standing to require an answer by the Attorney General on a statement of facts and a request that independent counsel be appointed. That does not mean conclusively that there would be standing for a mandamus action, but it is a very strong argument in support of that standing. And, in two of the cases where the court of appeals reversed an order for independent counsel to be appointed, the special standing of Congress and the special standing of the Judiciary Committee was noted. In one of the cases, the Court of Appeals for the District of Columbia referred to congressional oversight, which this would be, and in another case the Court of Appeals for the District of Columbia referred to the special positioning, which the Judiciary Committee had.

There is another issue, laying all the cards on the table face up, as to separation of powers, on matters which were raised in the decision by the Supreme Court of the United States in the case of *Morrison v. Olson*, upholding the constitutionality of the independent counsel statute. Some of the language of the Supreme Court there has been cited, from time to time, as raising a hurdle for this kind of a lawsuit. But I would point out that, on two of the issues which were raised by the Supreme Court of the United States, the

legal argument runs in favor of this kind of an action.

The Supreme Court there referred to a provision of the statute which said that there could be "no judicial review of an action by the Attorney General appointing independent counsel." But the negative implication there is that review would be possible where the Attorney General declines to appoint an independent counsel. There is also a provision in the statute which says that there may be no judicial review by the special three-judge panel where the Attorney General decides not to appoint an independent counsel, and again, by negative implication, there can be review by the United States District Court for the District of Columbia. The three-judge panel is a special panel created to make the actual appointment of an independent counsel.

Mr. President, in outlining these legal hurdles, there is no doubt that there are problems here. But, in my legal judgment, each of these hurdles and any other can be surmounted. And certainly, where there is such a pressing reason to move because of what has happened here on a compelling factual basis, I strongly believe that this effort ought to be made and that it can be made by a majority of the majority on the Judiciary Committee of the Senate or a majority of the majority in the House. And perhaps it would be appropriate for both the House and the Senate to join together as parties plaintiff to solidify and enforce the standing issue and the importance of this action.

My views are not those which I express lightly. They did not arise in the course of the last few days or the last few weeks. My initial concerns were expressed in a Judiciary oversight hearing back on April 30 of 1997, when Attorney General Reno appeared before the Senate Judiciary Committee and was questioned extensively by a number of Members, including myself. At that time I pressed Attorney General Reno on some of the so-called issue advertisements which were really, by any legal interpretation, express advocacy.

Now, if they are express advocacy, and if there is coordination with the Republican National Committee or the Democratic National Committee, then they violate the law; they violate the Federal election law. And, in articulating this concern, on a number of occasions I have said that there is fault on both sides, both by the Republican National Committee and the Democratic National Committee. But the activities by the Democratic National Committee stand on a different level because of the active participation by President Clinton himself in micro-managing the campaign and in working on these commercials. We know that from the testimony, statements of Mr. Leon Panetta, Chief of Staff of President Clinton, and from the statements of Mr. Dick Morris, who was the President's principal adviser on these campaign matters.